

Amendments to Senate Bill No. 423
1st Reading Copy

Requested by Senator Jeff Essmann

For the Senate Judiciary Committee

Prepared by Sue O'Connell
March 25, 2011 (3:09pm)

1. Title, page 1, line 11.

Following: "45-9-127,"

Insert: "45-9-203,"

2. Page 3, line 27.

Strike: "person"

Insert: "physician"

3. Page 4, line 11.

Following: "means"

Insert: ", at a minimum"

4. Page 5, line 28.

Following: "family medicine"

Insert: "or internal medicine"

Strike: "gynecology"

Insert: "ophthalmology"

5. Page 8, line 13.

Following: "individual is"

Insert: "in the custody of or"

6. Page 9, line 24.

Following: "physician's"

Insert: "business"

Following: "address"

Insert: ", if any"

7. Page 9, line 29.

Following: "has a"

Insert: "bona fide"

8. Page 10, line 25.

Following: "(4)"

Insert: "(a)"

9. Page 10, line 29.

Insert: "(b) The physician whose practices are under review shall
pay the costs of the board's review activities."

10. Page 11, line 4.
Following: "(2)"
Strike: "A violation of"
Insert: "A registered cardholder who violates"
11. Page 13, line 10.
Following: "(i)"
Insert: "except as provided in subsection (1)(c),"
12. Page 13, line 15.
Following: "landlord's"
Insert: "written"
13. Page 13.
Following: line 16
Insert: "(c) A cardholder who resides with a minor may not grow therapeutic marijuana at the cardholder's residence. The cardholder shall obtain therapeutic marijuana from a therapeutic marijuana grower or a therapeutic marijuana-infused products manufacturer."
14. Page 13, line 18.
Following: "marijuana"
Insert: ". Except as provided in subsection (2)(b), the cardholder shall keep the marijuana"
15. Page 13, line 19.
Following: "1 ounce"
Insert: "of the cardholder's usable marijuana"
16. Page 14, line 18.
Strike: "An"
Insert: "Except as provided in [section 14], an"
17. Page 16, line 20.
Strike: "or private health insurer"
Insert: ", a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116"
18. Page 16, line 22.
Following: "marijuana"
Strike: "in any workplace"
19. Page 16.
Following: line 22
Insert: "(5) Nothing in this chapter may be construed to:
(a) prohibit an employer from including in any contract a provision prohibiting the medical use of marijuana; or

(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

Renumber: subsequent subsections

20. Page 18.

Following: line 8

Insert: "(1)(a) The state licensing authority shall determine the number of licenses to be issued for therapeutic marijuana growers, therapeutic marijuana-infused products manufacturers, and couriers based upon an initial review and periodic reviews of the number of registered cardholders who have indicated to the department that they plan to obtain therapeutic marijuana from a grower or infused-products manufacturer.

(b) Based upon its initial review and periodic reviews of the number of registered cardholders and the resulting need for therapeutic marijuana, the state licensing authority may:

(i) issue temporary licenses; and

(ii) reduce the number of plants, seedlings, cuttings, and clones and the inventory of usable marijuana a grower may cultivate, manufacture, or possess."

Renumber: subsequent subsections

21. Page 20, line 18.

Following: "be obtained."

Insert: "A registered cardholder may obtain therapeutic marijuana from only one grower or manufacturer."

22. Page 21, line 27.

Following: "registrations for"

Insert: "a laboratory as allowed under [section 19] and for"

23. Page 27, line 13.

Following: "individual"

Insert: "who is in the custody of or"

24. Page 44, line 25.

Insert: "Section 51. Section 45-9-203, MCA, is amended to read:

"45-9-203. Surrender of license or registry identification card. (1) If a court suspends or revokes a driver's license under 45-9-202(2)(e), the defendant shall, at the time of sentencing, surrender the license to the court. The court shall forward the license and a copy of the sentencing order to the department of justice. The defendant may apply to the department for issuance of a probationary license under 61-2-302.

(2) If a person with a registry identification card issued pursuant to [section 4] for the therapeutic use of marijuana is convicted of an offense under this chapter, the court shall:

(a) at the time of sentencing, require the person to

surrender the registry identification card; and
(b) notify the department of public health and human
services of the conviction in order for the department to carry
out its duties under [section 6]."
{Internal References to 45-9-203: None.}"

Renumber: subsequent sections

25. Page 46, line 22.

Strike: "department of revenue"

Insert: "public service commission"

26. Page 47, line 25 through line 28.

Strike: subsection (c) in its entirety

27. Page 47, line 30 through page 48, line 2.

Strike: "Cards issued" on page 47, line 30 through "subsection
(2)(c)." on page 48, line 2

28. Page 48, line 30.

Insert: "NEW SECTION. Section 61. Instructions to code
commissioner. (1)Wherever a reference to "medical use of
marijuana" appears in legislation enacted by the 2011
legislature, the code commissioner is directed to change the
reference to "therapeutic use of marijuana".

(2) Wherever a reference to "medical marijuana" appears in
legislation enacted by the 2011 legislature, the code
commissioner is directed to change the reference to "therapeutic
marijuana".

(3) Wherever a reference to 50-46-102 appears in legislation
enacted by the 2011 legislature, the reference must be replaced
with a reference to [section 2] of Senate Bill No. 423.

(4) Wherever a reference to 50-46-205 appears in legislation
enacted by the 2011 legislature, the reference must be replaced
with a reference to [section 14] of Senate Bill No. 423."

Renumber: subsequent sections

29. Page 49, line 9.

Strike: "[Section 61]"

Insert: "[Sections 61 and 62] and this section are"

- END -